

REMARKS

Claims 1-27 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 28-48 have been added. Thus, claims 28-48 are pending. Support for these claim are found throughout the specification. No new matter has been added.

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action, Claims 1-27 were subject to restriction and/or election requirement. Applicants hereby elect Group 1, Claims 28-48, drawn to, *inter alia*, a polynucleotide, method of transforming a cell, method of producing a transgenic plant, and a transgenic plant *per se*, without traverse.

In addition, Applicants are required to elect one of the Groups of inventions A-H. Applicants elect herewith Group C, drawn to a polynucleotide of SEQ ID NO:5 or corresponding polypeptide of SEQ ID NO:6, with traverse. This traversal is on the grounds that the amino acid sequences shown in SEQ ID Nos: 6 and 8 are 95.7% identical to each other. As can be seen in Appendix A, attached herewith, out of 561 amino acids, SEQ ID NO:8 differs from SEQ ID NO: 6 only at 18 positions. Thus, traversal of the restriction between Group C and Group D is kindly requested. Pending claims 28-48 are directed to the elected invention of Group 1 and Groups C and D.

Please charge any requisite fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,


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APENDIX A

Appendix A shows a comparison of the amino acid sequences of Aspartate Kinases from corn clones cho1c.pk002.k6 (SEQ ID NO:6) and cpd1c.pk010.k1 (SEQ ID NO:8). Amino acids that differ among the two sequences are underlined; dashes are used by the program to maximize alignment of the sequences.

SEQ ID NO:6 MAIPVRSAAPRRLVPSIPPASSGHVRGLACFGTRTGPRGARGLSMVVADSTSRRAKQAD
SEQ ID NO:8 MAIPVRSAAPRRLVPSIPPASSGHVRGLACFGTRTGPRGARGLSMVVADSTSRRAKQAD

SEQ ID NO:6 GGDGVLGAPVLGGLGMEGLGDQLSVVMKFGGSSVSSAARMAEVAGLILTFPEERPVVVL
SEQ ID NO:8 GGDGVLGAPVLGGLGMEGLGDQLSVVMKFGGSSVSSAARMAEVAGLILTFPEERPVVVL

SEQ ID NO:6 AMGKTTNNLLAGEKAVGCGVIHVSEIEENMVKSLHIKTVDELGLPX-ICNTSLYELEQ
SEQ ID NO:8 AMGKTTNNLLAGEKAVGCGVIHVSEIEENMVKSLHIKTVDELGLPRSVIQDMLDEQ

SEQ ID NO:6 LLKGIAAMMKELTPRTSDYLVSFGE~~CM~~STRIFSA~~Y~~LNKIRVKARQYDAFDIGFITTDEFGN
SEQ ID NO:8 LLKGIAAMMKELTPRTSDYLVSFGE~~CM~~STRIFSA~~Y~~LNKIRVKARQYDAFDIGFITTDEFGN

SEQ ID NO:6 ADILEATYPAVAKRLHGDIQDPAIPVVTGFLGKGWKGSAVTLGRGGS~~D~~L~~T~~ATTIGKAL
SEQ ID NO:8 ADILEATYPAVAKRLHGDIQDPAIPVVTGFLGKGWKGSAVTLGRGGS~~D~~L~~T~~ATTIGKAL

SEQ ID NO:6 GLREIQVWKDVGVLTCDPNIYPHAKTV~~P~~YLT~~F~~E~~E~~ATELAYFGAQVLHPQS~~M~~R~~P~~AREGDI
SEQ ID NO:8 GLREIQVWKDVGVLTCDPNIYPHAKTV~~P~~YLT~~F~~E~~E~~ATELAYFGAQVLHPQS~~M~~R~~P~~AREGDI

SEQ ID NO:6 PVRVKNSYNPKAPGTLITRQRDXGLVVLTSIVLKSNTMLDIVSTRMLGQYGFLARVS
SEQ ID NO:8 PVRVKNSYNPKAPGTLITRQRDXMDK--VVLTSIVLKSNTMLDIVSTRMLGQYGFLARVF

SEQ ID NO:6 GICYIEDLCISVDCVATSEVS~~S~~VS~~S~~LDPSKIWSRELIQQASELDHVVEELEKIAIVRLLQ
SEQ ID NO:8 AI--FEDLCISVDCVATSEVS~~S~~VS~~S~~LDPSKIWSRELIQQ--ELDHVVEELEKIAIVRLLQ

SEQ ID NO:6 QRAIIISLIGNVEQSSLILEKTGRVLRKG~~V~~NVQMISQGASKVNMSLIVHDSDAKALVEAL
SEQ ID NO:8 QRAIIISLIGNVEQSSLILEKTGRVLRKG~~V~~NVQMISQGASKVNMSLIVHDSDAKALVEAL

SEQ ID NO:6 HQAFFEDDVLSQVEAENLLVG 561
SEQ ID NO:8 HQAFFEDDVLSQVEAENLLVG 556